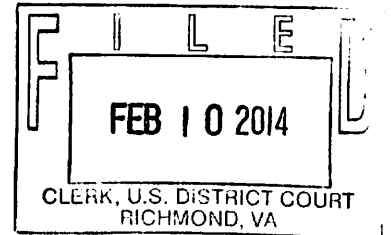


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Richmond Division



TRACIE REAVIS,
pro se Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

Civil No. 3:13-cv-149-HEH

FINAL ORDER
(Overruling Objections to and Adopting Report and Recommendation)

THIS MATTER is before the Court on a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), filed by the Honorable David J. Novak, United States Magistrate Judge, on December 4, 2013. Tracie Reavis ("Plaintiff"), who proceeds *pro se*, has filed an objection thereto. Because the issues are adequately addressed in the briefs, and oral argument would not materially aid the Court in the decisional process, no oral argument is necessary at this time.


Having reviewed both the record and the Magistrate Judge's Report and Recommendation in this case, this Court finds no clear error in Judge Novak's findings of fact or conclusions of law. Accordingly, and based upon all of the facts in the record before the Court, it appears that (1) the Commissioner's decision was supported by substantial evidence in the record; and that (2) Plaintiff was not disabled according to the regulations.

Accordingly, this Court hereby ADOPTS the December 4, 2013 Report and Recommendation of the Magistrate Judge. In accordance with that Report and Recommendation, the Court hereby DENIES Plaintiff's Motion for Summary Judgment¹ (ECF No. 13) and GRANTS Defendant's Motion for Summary Judgment (ECF No. 11).

Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order and the accompanying memorandum opinion to all counsel of record and to Plaintiff who appears *pro se*.

It is so ORDERED.


_____/s/
Henry E. Hudson
United States District Judge

Date: Feb. 10, 2014
Richmond, VA

¹ As the Magistrate Judge's Report and Recommendation notes, *pro se* Plaintiff's motion is styled "Motion to Dismiss and Response to Roseboro Notice." (ECF No. 13.) "A document filed *pro se* is 'to be liberally construed.'" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976)). Although not filed as a Motion for Summary Judgment, Plaintiff asks the Court to "enter an order affirming a favorable decision on [her] behalf." (Pl.'s Mem. at 1.) Specifically, Plaintiff asks for the Court to review the Administrative Law Judge's decision that her impairments do not meet listing level severity. (Pl.'s Mem. at 1.) The Court, therefore, will treat Plaintiff's Motion to Dismiss and Response to Roseboro Notice" as a motion for summary judgment.